

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMALL S. BAKER,

Plaintiff,

v.

KIM,

Defendant.

CASE NO. 2:25-cv-01028-JLR-GJL

ORDER TO SHOW CAUSE OR  
PAY \$405.00 FILING FEE

This prisoner civil rights action has been referred to United States Magistrate Judge Grady J. Leupold. Plaintiff Jamall S. Baker, proceeding *pro se*, initiated this action by filing an Application to Proceed *In Forma Pauperis* (“IFP”), a summary of his Prison Trust Account Statement, and Proposed civil rights Complaint. Dkts. 5, 5-1, 5-3. Upon review of his IFP Application and supporting materials, the Court finds that Plaintiff can afford the \$405.00 filing fee. Thus, before he may proceed in this action, Plaintiff must either pay the filing fee or provide an explanation of why he cannot.

The right to proceed *in forma pauperis* is not absolute. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). Rather, proceeding *in forma pauperis* is a matter within the sound discretion

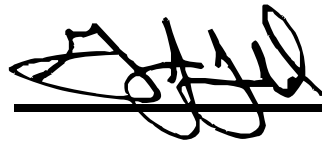
1 of the trial court in civil actions. *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert.*  
2 *denied* 375 U.S. 845 (1963). In his IFP Application, Plaintiff states that he has \$350.00 cash on  
3 hand and is currently employed with a net monthly salary of \$160.00. Dkt. 5 at 1–2. In addition,  
4 the summary of Plaintiff's Prison Trust Account Statement shows that his average monthly  
5 receipts are \$756.67, and the average spendable balance in his account is \$369.57. Dkt. 5-3.

6 Based on the information provided, the Court finds that Plaintiff can afford to pay the  
7 \$405.00 filing fee. Accordingly, Plaintiff is **ORDERED** to accomplish one of the following on  
8 or before **July 17, 2025**:

- 9 1. **SHOW CAUSE** why his IFP Application should not be **DENIED** based on  
10 his ability to pay; or  
11 2. Pay the \$405.00 filing fee.

12 Plaintiff is **ADVISED** that failure to show cause or pay filing fee by the stated deadline  
13 shall be deemed a failure to properly prosecute this matter and **MAY** result in a recommendation  
14 this action be **DISMISSED**.

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16 Dated this 17th day of June, 2025.

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19 Grady J. Leupold  
20 United States Magistrate Judge  
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